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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
NGUYEN, KHAI N	

ART UNIT	PAPER NUMBER
2614	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/768,409	FLORKEY ET AL.	
	Examiner	Art Unit	
	KHAI N. NGUYEN	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 April 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submission filed on April 5, 2010 has been entered.

Response to Amendment

2. Applicants' amendment filed on April 5, 2010 has been entered. Claims **1**, 9, **18**, **21**, and 24-25 have been emended. No claims have been canceled. Claims 27-29 have been added. Claims 1-29 are still pending in this application, with claims **1**, **18**, and **21** being independent.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 1, 18, and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madour et al. (U.S. Patent Number 6,266,405 hereinafter "Madour") in view of Smith et al. (U.S. Pat. No. 6,122,362 hereinafter "Smith").

Regarding claims 1, 18, and 25-26, Madour teaches an apparatus and a method (Figs. 1-6) comprising:

a portability component that runs on a hardware component (Figs. 1-2, Fig. 6, 30 Number Portability Data-Base (NPDB)) that automatically updates one or more provisioning components to port a directory number for a duration of time (Figs. 1-2, Fig. 6, column 3, lines 7-32, i.e., subscriber has changed service providers and using the same directory number, wherein the duration of time of porting this directory number is as long as the subscriber keeps the same service provider. Thus, a permanent status is automatically supported by the inherent design);

wherein the portability component communicates with a management component through employment of one or more protocols to update one or more local number portability databases, at least one of the one or more protocols being a Session Initiation Protocol (SIP), and communicate through employment of SIP (Figs. 1-2, Fig. 6, 30 NPDB, 121 SIP Network, Fig. 3, Fig. 4, 130 Ported Gateway Capabilities, column 6, lines 17-43, i.e., parameter 130 will specify the protocol capabilities of the ported gateway including options such as SIP, H.323, etc.), an Internet Standard-41 (IS-41) (column 5, lines 43-47, i.e., ANSI41 NPREQ and ANSI41 npreq messages), or an Advanced Intelligence Network (AIN) (column 1, lines 43-46, i.e., public switched telephone network (PSTN) or integrated service digital network (ISDN)).

Madour teaches one or more provisioning components that run on a hardware component, the one or more provisioning components being operable to initiate

requests to port a directory number for a duration of time, receive updates for one or more directory numbers ported to a network, and notify a subscriber database of the directory number to port for the duration of time (Fig. 1, Fig. 2, 32A-32M Service Management System (SMS), column 2 line 43 through column 3 line 5). Madour might not clearly disclose one of the protocol being a SNMP (Simple Network Management Protocol), although Madour discloses the plurality of protocols such as SIP, H.323, etc., (Figs. 1-2, Fig. 6, 30 NPDB, 121 SIP Network, Fig. 3, Fig. 4, 130 Ported Gateway Capabilities, column 6, lines 17-43, i.e., parameter 130 will specify the protocol capabilities of the ported gateway including options such as SIP, H.323, etc.). In addition, provisioning network elements when providing directory number portability services and SNMP protocol are old and well known in the art, however if it is still not clear that Madour discloses these features, the features are described below in one of the many class 379 references.

In the same field of endeavor, in 1996 Smith teaches one or more provisioning components that run on a hardware component (see Smith - Fig. 1, Fig. 2, 19 Network Element Management System (NEMS), Figs. 3-4), the one or more provisioning components being operable to initiate requests to port a directory number for a duration of time, receive updates for one or more directory numbers ported to a network, and notify a subscriber database of the directory number to port for the duration of time (see Smith - Figs. 1-4, column 2 lines 26-40, column 5 lines 4-15, and column 6 lines 51-59, i.e., NEMS is configured to accept provisioning requests, wherein the duration of time of porting this directory number is as long as the subscriber keeps the same service

provider. Thus, a permanent status is automatically supported by the inherent design). Smith also teaches the protocol is the SNMP (see Smith – Fig. 2, Fig. 3, column 7 lines 38-42, i.e., communications are over SNMP). Smith further teaches that there is a need to facilitate local number portability when requested by an individual or business (see Smith – column 2 lines 1-4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate one or more provisioning components that run on a hardware component, the one or more provisioning components being operable to initiate requests to port a directory number for a duration of time, receive updates for one or more directory numbers ported to a network, and notify a subscriber database of the directory number to port for the duration of time, and using SNMP protocol, as taught by Smith, into the method and system of Madour in order to enhance the directory number portability services. Since, Madour teaches the provisioning for the directory number portability, and thus adding one or more provisioning components that run on a hardware component and using SNMP protocol is to apply a known technique to a known device ready for improvement to yield predictable results (see KSR – MPEP 2143). One having ordinary skill in the art would have been motivated to make such a modification to facilitate local number portability when requested by an individual or business, as per the teachings of Smith.

Regarding claims 27-29, Madour teaches the telephony device is a wireless telephone (Fig. 1, 70, Fig. 2, 70-71 Mobile Subscriber, column 3 lines 30-31), a personal

computer (PC) (Fig. 3, 101 Flag=Set="Internet Addressing Supported", Figs. 4-5, column 5 lines 58-67, i.e., end user terminal "PC"). Smith teaches the telephony device is a wired telephone (see Smith – Fig. 1, 22 Telephone(s), and column 5 lines 16-19).

5. Claims 2-17, 19-20, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madour and Smith in view of Mazzarella et al. (U.S. Patent Number 6,819,921 hereinafter "Mazzarella"), and in view of Moss et al. (U.S. Patent Number 6,785,372 hereinafter "Moss").

Regarding claims 2-4, Madour and Smith disclose everything claimed as applied in claim 1 in order to port a directory number for an unspecified duration of time.

In the same field of endeavor, Mazzarella teaches upon accepted a request to port the directory number, the portability component receives one or more identifiers associated with one or more provisioning components and uses those identifier to notify the provisioning components of the request to port the directory number (Fig. 1, col. 3 lines 10-15), the request to port the directory number comprises an association between the directory number and a location routing number, the portability component provides the association to a management component, and one or more network components cooperate to provide and/or terminate service for the directory number (Fig.1, col. 3 lines 33-36), the portability component communicates with the ported-from provisioning component and ported-to provisioning component through employment of the identifiers

to terminate service and provide service for the telephony device (Fig. 1, col. 3 lines 16-21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Madour with the portability detail components/steps, as taught above by Mazzarella. Since, Madour teaches to port a directory number for an unspecified duration of time and thus adding the portability detail components/steps is to apply a known technique to a known device ready for improvement to yield predictable results (see KSR – MPEP 2143).

Regarding claim 5, Mazzarella teaches the portability component cooperates with the provisioning component of the first service provider and the provisional component of the second service providers to port the directory number from the first service provider to the second service provider (Fig. 1, col. 3 lines 29-32).

Regarding claim 6, Mazzarella teaches the portability component cooperates with the ported-from provisioning component to terminate the access to the first set of services by the telephony device, and with the ported-to provisional component to provide access to the second set of services by the telephony device (Fig. 1, col. 3 lines 46-48).

Regarding claim 7, Mazzarella teaches upon expiration of the duration of time, the portability component in combination with one or more provisioning components port

the directory back to the initial state (col. 4 lines 41-45). It is well known by those skilled in the art that service order cancellation will be automatically activated and the ported directory will be back to the initial state if there is no response from the subscriber.

Regarding claim 8, Mazzarella teaches the ported-to provisioning component initiates a request to the portability component to port the directory number; the portability component notifies the ported-from provisioning component of the request (col. 3 lines 46-50).

Regarding claim 9, Mazzarella teaches a subscriber database that comprises a subscriber entry for the directory number (col. 2 lines 42-45); the portability component and the ported-from provisioning component cooperate to change the subscriber entry in the subscriber database from the initial state to a ported state and to terminate service at the network (col. 4 lines 1-8 and lines 16-18).

Regarding claim 10, Mazzarella teaches upon the portability component and the ported-from provisioning component cooperate to change the subscriber entry in the subscriber database, the subscriber database and the switch component cooperate to restart the service at the network for the telephony device associated with the directory number (col. 4 lines 9-12).

Regarding claims 11-12, Mazzarella teaches the subscriber database and the switch component cooperate to notify one or more callers and a user of the telephony device associated with the directory number of a period of time remaining until the expiration of the time to port the directory number (col. 4 lines 31-37).

Regarding claims 13-15, Mazzarella teaches a timer component that determines an expiration of the duration of time to port the directory number based on the value for the duration of time (col. 3 lines 33-40); and upon receipt of the notification from the timer component, and then the provisioning components port the directory number back to initial state (col. 4 lines 31-37). Again, it is well known by those skilled in the art that service order cancellation will be automatically activated and the ported directory will be back to the initial state if there is no response from the subscriber.

Regarding claims 16-17, Mazzarella teaches the portability components employs the interfaces to receive the identifiers and a value of the duration of time (col. 4 lines 1-8); and upon an expiration of the duration of time, the portability component removes the association between the directory number and the location routing number (LRN), wherein a telephony device receives service associated with the directory number and/or location routing numbers (col. 4 lines 9-26).

Regarding claim 19, Mazzarella teaches a method, comprises the steps of:

receiving a request to port the directory number; request comprises one or more identifiers associated with one or more provisioning components (Fig. 1, col. 3 lines 10-15); a value for the duration of time (col. 3 lines 33-40); and an association between the directory number and a location routing number (LRN) (col. 4 lines 9-12);

providing the association to the provisioning components through employment of the identifiers upon receipt of the request (Fig. 1, col. 3 lines 16-21);

setting a ported-out flag associated with the directory number (col. 4 lines 16-18);

determining an expiration of the duration of time through employment of the value of time (col. 4 lines 31-32);

notifying the provisioning components through employment of the identifiers upon the expiration of time (col. 4 lines 1-8);

clearing the ported-out flag associated the directory number upon the expiration of time (col. 4 lines 16-19).

Regarding claim 20, Mazzarella teaches a method further comprising the steps of:

porting the directory number from first service provider to the second service provider (col. 3 lines 10-16);

terminating service for telephony device associated with the directory number of the first service provider if no response from the subscriber (col. 4 lines 33-37);

providing service for the telephony device by the second service provider (col. 4 lines 19-22);

receiving a notification of the expiration of time (col. 4 lines 31-37);

porting the directory number from first service provider to the second service provider (col. 3 lines 10-16);

terminating service for the telephony device associated with the directory number with the second service provider (col. 4 lines 16-18);

providing a message indicating the expiration of time to a user of the telephony associated with the directory number (col. 4 lines 37-40).

Regarding claims 22-24, Madour discloses everything claimed as applied in claim 1 in order to port a directory number for an unspecified duration of time. Thus, a permanent status is automatically supported by the inherent design of Madour.

However, Madour does not specifically disclose the value for the duration of time comprises a period of time and/or the date in the future.

In the same field of endeavor, Moss teaches a method and apparatus to provide telephone services for a predetermined period of time (Moss - see abstract), for a date in the future (Moss - col. 6 lines 29-30), or any service period length (Moss - col. 6 lines 42-43). The advantage of Moss et al is the notification timer that can be implemented as a programmable timer (i.e., to support any service period length) in the service control point (SCP) (Moss – Fig. 3 – 53 Notification Timer – col. 3 line 67, and col. 4 lines 2-4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the feature of a period of time and the

date in the future, as taught by Moss, into Madour method and system in order to enhance the customer service quality by providing the feature of porting a directory number for any service period length as desired.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madour and Smith in view of Petrunka (U.S. Patent Number 6,584,193).

7. Regarding claim 21, Madour and Smith disclose everything claimed as applied above (see claims 1 and 18) in order to port a directory number for the duration of time. Thus, a permanent status is automatically supported by the inherent design of Madour apparatus and method.

However, Madour does not specifically disclose the invention is ready to be implemented as one or more computer-readable storage medium.

In the same field of endeavor, Petrunka discloses a method and system for using the existing Local Number Portability (LNP) infrastructure to intercept all calls to a subscriber and route them to a network platform. LNP is a telephony service that allows subscribers to retain their directory number when they change service providers (Petrunka - col. 3 lines 38-45). The advantage of Petrunka's invention is an article (computer program product) with computer program code in combination with hardware implements the method or process steps described, and this computer code is stored on storage media (diskette, hard disk, CD-Rom, etc. – computer-readable signal-

bearing media, Petrunka - col. 5 lines 27-40). Additionally, the computer program code can be transferred to the appropriate hardware over some type of data network (Petrunka – col. 5 lines 41-43).

Therefore, it would have been obvious to person of ordinary skill in the art at the time the invention was made to provide Madour with an article, comprising: one or more computer-readable storage medium, as taught by Petrunka, into Madour method and system in order to enhance the customer service quality by providing the feature of porting a directory number.

Response to Arguments

8. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI N. NGUYEN whose telephone number is (571)270-3141. The examiner can normally be reached on Monday - Thursday 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. N. N./
Examiner, Art Unit 2614
05/07/2010

/Rasha S AL-Aubaidi/

Primary Examiner, Art Unit 2614